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PCT NATIONAL PHASE PATENT APPLICATION

EARLY APPLICATION NO. REQUESTED

Docket No.: 4752-004 Application No. 10/521095

Enclosed for filing herewith is a

National Stage Processing Of International Application No. PCT/JP2003/008115 Filed: June 26, 2003

Of (INV.): Kimio ISHIMARU et al

For (Title): RESEARCH-AND-DEVELOPMENT INVESTMENT SECURITIES SELLING METHOD, SYSTEM, PROGRAM, AND RECORDING MEDIUM

The PTO stamp hereon acknowledge receipt of:

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| <input checked="" type="checkbox"/> PCT National Stage Transmittal Letter, with: | <input checked="" type="checkbox"/> English translation of the International application |
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| Specification, Claims & Abstract (pages #84) & Formal Drawings (sheets # 13) | |
| <input type="checkbox"/> Amendment of claims (Article 19) | <input type="checkbox"/> English translation of Amendments to the claims (Art 19) |
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| <input checked="" type="checkbox"/> Others <u>International Search Report; PCT/IB301; PCT/IB304; PCT/IB/308; PCT/ISA/210; 220.</u> | |

Filed By/For: KMB:jd Date: January 13, 2005

LOWE HAUPTMAN & BERNE' .LP
1700 Diagonal Road, Suite 310, Alexandria Va. 2314

PCT NATIONAL PHASE PATENT APPLICATION

EARLY APPLICATION NO. REQUESTED

Docket No.: 4752-003 Application No.

Enclosed for filing herewith is a

National Stage Processing Of International Application No. PCT/JP2003/008114 Filed: June 26, 2003

Of (INV.): Kimio ISHIMARU et al

For (Title): RESEARCH-AND-DEVELOPMENT TECHNOLOGY TRANSFER METHOD, SYSTEM, PROGRAM, AND RECORDING MEDIUM

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| Specification, Claims & Abstract (pages #42) & Formal Drawings (sheets #10) | |
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| <input checked="" type="checkbox"/> Others <u>International Search Report; PCT/IB/301; 304; 308; PCT/ISA/210; PCT/ISA/220.</u> | |

Filed By/For: KMB:iyr Date: January 12, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

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Kimio ISHIMARU et al.

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U.S. Patent Application No.:

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Filed: *herewith*

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For: RESEARCH-AND-DEVELOPMENT TECHNOLOGY TRANSFER METHOD,
SYSTEM, PROGRAM, AND RECORDING MEDIUM

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Preliminary to examination of the above-referenced application, please amend the application as follows:

AMENDMENTS TO THE SPECIFICATION:

Please amend the title as follows:

RESEARCH~~[[/]]-AND-DEVELOPMENT~~ TECHNOLOGY TRANSFER METHOD,
SYSTEM, PROGRAM, AND RECORDING MEDIUM

Please add the following header and paragraph after the title of the invention beginning on page 1:

CROSS - REFERENCE TO RELATED APPLICATIONS

The present Application is based on International Application No. PCT/JP2003/008114, filed on June 26, 2003, entitled "RESEARCH/DEVELOPMENT TECHNOLOGY TRANSFER METHOD, PROGRAM, AND RECORDING MEDIUM", which in turn corresponds to Japanese Applicaitons JP 2002-211385 filed on July 19, 2002, and priority is hereby claimed under 35 USC §119 based on these applications. Each of these applications are hereby incorporated by reference in their entirety into this application.

ABSTRACT:

Please amend the current Abstract and enter the following new Abstract.

ABSTRACT

Matching between seeds of technology ~~studied/developed~~ developed and needs required by an enterprise is found and the technology as the study result is transferred. A processing unit discloses technology seeds information including a study/development plan, study result, expected result, study cost, balance, and the like via a communication network (~~S101~~). Upon reception of a contract application from a development institution, the processing unit inputs contract application information (~~S103-S105~~). The processing unit identifies the application type: an information disclosure contract which discloses detailed study result information to an enterprise, or an option contract which gives an optional right enabling an enterprise to carry out the study result with a predetermined time limit before the contract, or a development contract which gives right to develop the technology obtained by the study result, and performs a contract pressing corresponding to the application type (~~S107 to S113~~). Moreover, the processing unit performs calculation for dividing the consideration obtained by the technology transfer to a study institution and a study/development fixing institution (~~S117~~) and stores it in a storage unit (~~S119~~).

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (original): A research-and-development technology transfer method comprising:

a step in which a processing section reads technical-seeds information corresponding to each research-theme identification information from a storage section having stored for each research-theme identification information, technical-seeds information which includes patent information or academic-society-presentation information, and expense information and income-estimate information both related to the research theme, and discloses the technical-seeds information through a communication network;

a step in which the processing section receives, from a company computer, contract-application information which includes company identification information, research-theme identification information, and application-type information indicating either an information-disclosure contract or a license agreement;

a step in which the processing section executes information-disclosure-contract processing, when the processing section determines that the received application-type information indicates an information-disclosure contract, where the processing section sets an information-disclosure charge LA, sends the information-disclosure charge LA and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information correspondingly to the company identification information of a company which sends contract-terms-and-conditions consent data in the storage section, reads detailed information-disclosure information stored correspondingly to the research-theme identification information from the storage section and discloses the detailed information-disclosure information to the company computer, and/or provides a material such as a sample and a strain;

a step in which the processing section executes license agreement processing, when the processing section determines that the received application-type information indicates a license agreement, where the processing section sets a license fee LC, sends the license fee LC and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information correspondingly to the company identification information of a company which sends contract-terms-and-conditions consent data in the storage section, and reports to the company computer that a license has been given;

a step in which the processing section performs distribution processing where the processing section obtains a dividend Dt to a research-and-development intermediary organization and a dividend Dr to a research organization on the basis of consideration income obtained by technology transfer, which includes the information-disclosure charge LA and/or the license fee LC, for the research-theme identification information; and

a step in which the processing section stores the dividend Dt to the research-and-development intermediary organization and the dividend Dr to the research organization in the storage section correspondingly to the research-theme identification information.

2. (currently amended): [[A]] The research-and-development technology transfer method according to Claim 1,

wherein the application type further includes an optional contract, and

the method further comprising a step in which the processing section executes optional-contract processing, when the processing section determines that the received application-type information indicates an optional contract, where the processing section sets an optional charge LB, sends the optional charge LB and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information correspondingly to the company identification information of a company which sends contract-terms-and-conditions consent data in the storage section, and reports to the company computer that an option right has been given.

3. (currently amended): ~~[[A]]~~ The research-and-development technology transfer method according to Claim 1 ~~or 2~~, wherein the technical-seeds information further comprises a profit index R, a profit-index rank, or a risk coefficient I.

4. (currently amended): ~~[[A]]~~ The research-and-development technology transfer method according to ~~one of Claim~~~~[[s]]~~ 1 ~~to 3~~, wherein the step in which the processing section executes the information-disclosure-contract processing comprises:

a step in which the processing section sets the information-disclosure charge LA by reading an information-disclosure-charge income estimate F corresponding to the research-theme identification information from the storage section and using the information-disclosure-charge income estimate F, or by reading the total research-and-development investment A from the storage section and using a predetermined equation;

a step in which the processing section reads contract data which includes contract terms and conditions corresponding to the research-theme identification information from the storage section, and presents the contract data together with the information-disclosure charge LA to the company computer through a communication network;

a step in which the processing section receives contract-consent data from the company computer;

a step in which the processing section stores the research-theme identification information, the information-disclosure charge LA, a contract period, and the contract-consent data in the storage section corresponding to the company identification information; and

a step in which the processing section reads the detailed information-disclosure information stored in the storage section correspondingly to the research-theme identification information, discloses the detailed information-disclosure information to the company computer, and/or provides a material, such as a sample or a strain.

5. (currently amended): ~~[[A]]~~ The research-and-development technology transfer method according to Claim 4, wherein the step in which the processing section sets the information-disclosure charge LA is one of a step in which the processing section calculates the information-disclosure charge LA according to an information-disclosure-charge rate α set in advance and

the total research-and-development investment A corresponding to the research-theme identification information, read from the storage section, by using the following equation

$$LA = \alpha \times A;$$

a step in which the processing section calculates the information-disclosure charge LA according to an information-disclosure-charge rate α' set in advance, the total research-and-development investment A corresponding to the research-theme identification information, read from the storage section, the market value D of the research result, and a success probability E by using the following equation

$$LA = \alpha' \times A \times D \times E; \text{ and}$$

a step in which the processing section calculates the information-disclosure charge LA by using the following equation according to an information-disclosure-charge rate α'' set in advance, the total research-and-development investment A corresponding to the research-theme identification information, read from the storage section, and a profit index R read from the storage section or calculated according the market value D of the research result, the success probability E, and a risk coefficient I by using the following equation

$$R = D \times E/I$$

$$LA = \alpha'' \times A \times R.$$

6. (currently amended): ~~[[A]]~~ The research-and-development technology transfer method according to ~~one of Claim~~[[s]] 1 ~~to 3~~, wherein the step in which the processing section executes the license agreement processing comprises:

a step in which the processing section sets the license fee LC by reading a license fee income estimate H corresponding to the research-theme identification information from the storage section and using the license fee income estimate H, or by reading the royalty data from the storage section and using a predetermined equation;

a step in which the processing section reads contract data which includes contract terms and conditions corresponding to the research-theme identification information from the storage section, and presents the contract data together with the license fee LC to the company computer;

a step in which the processing section receives contract-consent data from the company computer;

a step in which the processing section stores the research-theme identification information, the license fee LC, a contract period, and the contract-consent data in the storage section corresponding to the company identification information; and

a step in which the processing section reports to the company computer that a license for the research-theme identification information has been given.

7. (currently amended): [[A]] The research-and-development technology transfer method according to Claim 6, wherein, in the step in which the processing section sets the license fee LC,

the processing section calculates the license fee LC according to a business sales estimate C, a royalty estimate r, and a lump-sum-payment estimate Ls read from the storage section by using an equation of $LC = C \times r + Ls$.

8. (currently amended): [[A]] The research-and-development technology transfer method according to Claim~~[[s]] 2 or 3~~, wherein the step in which the processing section executes the optional-contract processing comprises:

a step in which the processing section sets the option charge LB by reading an optional-charge income estimate G corresponding to the research-theme identification information from the storage section and using the optional-charge income estimate G, or by using a predetermined equation with the use of the license fee income estimate H;

a step in which the processing section reads contract data which includes an optional-contract period and contract terms and conditions corresponding to the research-theme identification information from the storage section, and presents the contract data together with the option charge LB to the company computer;

a step in which the processing section receives contract-consent data from the company computer;

a step in which the processing section stores the research-theme identification information, the option charge LB, a contract period, an optional-contract period, and the contract-consent data in the storage section corresponding to the company identification information; and

a step in which the processing section reports to the company computer that an option right for the research-theme identification information has been given.

9. (currently amended): [[A]] The research-and-development technology transfer method according to Claim 8, wherein the step in which the processing section sets the option charge LB is one of

a step in which the processing section calculates the option charge LB according to an optional-charge rate β set in advance and the license fee income estimate H by using the following equation

$$LB = \beta \times H;$$

a step in which the processing section calculates the option charge LB according to an optional-charge rate β' set in advance, the license fee income estimate H, and the market value D of the research result and a success probability E both read from the storage section by using the following equation

$$LB = \beta' \times H \times D \times E; \text{ and}$$

a step in which the processing section calculates the option charge LB by using the following equation according to an optional-charge rate β'' set in advance, the license fee income estimate H, and a profit index R read from the storage section or a profit index R calculated according the market value D of the research result, the success probability E, and a risk coefficient I by using the following equation

$$R = D \times E/I$$

$$LB = \beta'' \times H \times R.$$

10. (currently amended): [[A]] The research-and-development technology transfer method according to Claim 8 ~~or 9~~, wherein

the processing section reads the license fee income estimate H from the storage section, or calculates the license fee income estimate H according to a business sales estimate C, a royalty estimate r, and a lump-sum-payment estimate Ls read from the storage section by using an equation of $H = C \times r + Ls$.

11. (currently amended): ~~[[A]]~~ The research-and-development technology transfer method according to ~~one of Claim[[s]] 1 to 10~~, wherein the step in which the processing section performs the distribution processing comprises:

a step in which the processing section reads the information-disclosure income LA, the optional-contract charge LB, the license fee LC, and a distribution rate Y for the research-and-development intermediary organization, corresponding to detailed research-theme information from the storage section;

a step in which the processing section obtains the whole consideration L for research and development according to the information-disclosure income LA, the optional-contract charge LB, the license fee LC which are read, by the use of the following equation,

$$L = LA + LB + LC; \text{ and}$$

a step in which the processing section calculates a dividend Dt to the research-and-development intermediary organization and a dividend Dr to the research organization according to the obtained whole consideration L for research and development and the distribution rate Y for the research-and-development intermediary organization, read from the storage section, by the use of the following equation,

$$Dt = L \times Y$$

$$Dr = L \times (1 - Y).$$

12. (currently amended): ~~[[A]]~~ The research-and-development technology transfer method according to ~~one of Claim[[s]] 1 to 11~~, further comprising:

a step in which the processing section receives company-related information required for registration, from the company computer;

a step in which the processing section assigns a password corresponding to company identification information after the processing section receives the company-related information, and sends these pieces of data to the company computer; and

a step in which the processing section stores the password and the company-related information in the storage section correspondingly to the company identification information.

13. (original): A research-and-development technology transfer program which makes a computer execute each of steps wherein:

a step in which a processing section reads technical-seeds information corresponding to each research-theme identification information from a storage section having stored for each research-theme identification information, technical-seeds information which includes patent information or academic-society-presentation information, and expense information and income-estimate information both related to the research theme, and discloses the technical-seeds information through a communication network;

a step in which the processing section receives, from a company computer, contract-application information which includes company identification information, research-theme identification information, and application-type information indicating either an information-disclosure contract or a license agreement;

a step in which the processing section executes information-disclosure-contract processing, when the processing section determines that the received application-type information indicates an information-disclosure contract, where the processing section sets an information-disclosure charge LA, sends the information-disclosure charge LA and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information correspondingly to the company identification information of a company which sends contract-terms-and-conditions consent data in the storage section, reads detailed information-disclosure information stored correspondingly to the research-theme identification information from the storage section and discloses the detailed information-disclosure information to the company computer, and/or provides a material such as a sample and a strain;

a step in which the processing section executes license agreement processing, when the processing section determines that the received application-type information indicates a license agreement, where the processing section sets a license fee LC, sends the license fee LC and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information correspondingly to the company identification information of a company which

sends contract-terms-and-conditions consent data in the storage section, and reports to the company computer that a license has been given;

a step in which the processing section performs distribution processing where the processing section obtains a dividend Dt to a research-and-development intermediary organization and a dividend Dr to a research organization on the basis of consideration income obtained by technology transfer, which includes the information-disclosure charge LA and/or the license fee LC, for the research-theme identification information; and

a step in which the processing section stores the dividend Dt to the research-and-development intermediary organization and the dividend Dr to the research organization in the storage section correspondingly to the research-theme identification information.

14. (original): A computer-readable recording medium having a research-and-development technology transfer program stored thereon, where the program makes computer execute steps wherein:

a step in which a processing section reads technical-seeds information corresponding to each research-theme identification information from a storage section having stored for each research-theme identification information, technical-seeds information which includes patent information or academic-society-presentation information, and expense information and income-estimate information both related to the research theme, and discloses the technical-seeds information through a communication network;

a step in which the processing section receives, from a company computer, contract-application information which includes company identification information, research-theme identification information, and application-type information indicating either an information-disclosure contract or a license agreement;

a step in which the processing section executes information-disclosure-contract processing, when the processing section determines that the received application-type information indicates an information-disclosure contract, where the processing section sets an information-disclosure charge LA, sends the information-disclosure charge LA and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information

correspondingly to the company identification information of a company which sends contract-terms-and-conditions consent data in the storage section, reads detailed information-disclosure information stored correspondingly to the research-theme identification information from the storage section and discloses the detailed information-disclosure information to the company computer, and/or provides a material such as a sample and a strain;

a step in which the processing section executes license agreement processing, when the processing section determines that the received application-type information indicates a license agreement, where the processing section sets a license fee LC, sends the license fee LC and contract data stored in the storage section for each research-theme identification information, to the company computer, stores research-theme identification information and contract information correspondingly to the company identification information of a company which sends contract-terms-and-conditions consent data in the storage section, and reports to the company computer that a license has been given;

a step in which the processing section performs distribution processing where the processing section obtains a dividend Dt to a research-and-development intermediary organization and a dividend Dr to a research organization on the basis of consideration income obtained by technology transfer, which includes the information-disclosure charge LA and/or the license fee LC, for the research-theme identification information; and

a step in which the processing section stores the dividend Dt to the research-and-development intermediary organization and the dividend Dr to the research organization in the storage section correspondingly to the research-theme identification information.

15. (new): The research-and-development technology transfer method according to Claim 2, wherein the technical-seeds information further comprises a profit index R, a profit-index rank, or a risk coefficient I.

16. (new): The research-and-development technology transfer method according to Claim 2, wherein the step in which the processing section executes the information-disclosure-contract processing comprises:

a step in which the processing section sets the information-disclosure charge LA by reading an information-disclosure-charge income estimate F corresponding to the research-theme identification information from the storage section and using the information-disclosure-charge income estimate F, or by reading the total research-and-development investment A from the storage section and using a predetermined equation;

a step in which the processing section reads contract data which includes contract terms and conditions corresponding to the research-theme identification information from the storage section, and presents the contract data together with the information-disclosure charge LA to the company computer through a communication network;

a step in which the processing section receives contract-consent data from the company computer;

a step in which the processing section stores the research-theme identification information, the information-disclosure charge LA, a contract period, and the contract-consent data in the storage section corresponding to the company identification information; and

a step in which the processing section reads the detailed information-disclosure information stored in the storage section correspondingly to the research-theme identification information, discloses the detailed information-disclosure information to the company computer, and/or provides a material, such as a sample or a strain.

17. (new): The research-and-development technology transfer method according to Claim 2, wherein the step in which the processing section executes the license agreement processing comprises:

a step in which the processing section sets the license fee LC by reading a license fee income estimate H corresponding to the research-theme identification information from the storage section and using the license fee income estimate H, or by reading the royalty data from the storage section and using a predetermined equation;

a step in which the processing section reads contract data which includes contract terms and conditions corresponding to the research-theme identification information from the storage section, and presents the contract data together with the license fee LC to the company computer;

a step in which the processing section receives contract-consent data from the company computer;

a step in which the processing section stores the research-theme identification information, the license fee LC, a contract period, and the contract-consent data in the storage section corresponding to the company identification information; and

a step in which the processing section reports to the company computer that a license for the research-theme identification information has been given.

18. (new): The research-and-development technology transfer method according to Claim 3, wherein the step in which the processing section executes the optional-contract processing comprises:

a step in which the processing section sets the option charge LB by reading an optional-charge income estimate G corresponding to the research-theme identification information from the storage section and using the optional-charge income estimate G, or by using a predetermined equation with the use of the license fee income estimate H;

a step in which the processing section reads contract data which includes an optional-contract period and contract terms and conditions corresponding to the research-theme identification information from the storage section, and presents the contract data together with the option charge LB to the company computer;

a step in which the processing section receives contract-consent data from the company computer;

a step in which the processing section stores the research-theme identification information, the option charge LB, a contract period, an optional-contract period, and the contract-consent data in the storage section corresponding to the company identification information; and

a step in which the processing section reports to the company computer that an option right for the research-theme identification information has been given.

19. (new): The research-and-development technology transfer method according to Claim 2, wherein the step in which the processing section performs the distribution processing comprises:

a step in which the processing section reads the information-disclosure income LA, the optional-contract charge LB, the license fee LC, and a distribution rate Y for the research-and-development intermediary organization, corresponding to detailed research-theme information from the storage section;

a step in which the processing section obtains the whole consideration L for research and development according to the information-disclosure income LA, the optional-contract charge LB, the license fee LC which are read, by the use of the following equation,

$$L = LA + LB + LC; \text{ and}$$

a step in which the processing section calculates a dividend Dt to the research-and-development intermediary organization and a dividend Dr to the research organization according to the obtained whole consideration L for research and development and the distribution rate Y for the research-and-development intermediary organization, read from the storage section, by the use of the following equation,

$$Dt = L \times Y$$

$$Dr = L \times (1 - Y).$$

20. (new): The research-and-development technology transfer method according to Claim 2, further comprising:

a step in which the processing section receives company-related information required for registration, from the company computer;

a step in which the processing section assigns a password corresponding to company identification information after the processing section receives the company-related information, and sends these pieces of data to the company computer; and

a step in which the processing section stores the password and the company-related information in the storage section correspondingly to the company identification information.

REMARKS:

The specification and claims of the referenced application have been amended in accordance with common U.S. Patent Practice and to remove the multiple dependencies of claims 3, 4, 6, 8, 10-12. New Claims 15-20 were added. No new matter has been introduced through the foregoing amendments. Entry is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

Customer Number: 22429
1700 Diagonal Road, Suite 310
Alexandria, Virginia 22314
(703) 684-1111 KMB/iyr
Facsimile: (703) 518-5499
Date: January 12, 2005